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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,622	03/03/2000	Mark Maggenti	000210	5801

23696 7590 02/27/2004

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 02/27/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner of Patents and Trademarks

See attachments

Office Action Summary

Application No.

09/518,622

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Z</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on 12/12/01 was filed after the mailing date of the Notice of Allowance on 11/20/01 but before the issue fee being paid. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the petition is granted and the information disclosure statement is being considered by the examiner.

Allowable Subject Matter

2. The indicated allowability of claims 1-23 is withdrawn in view of the newly discovered reference(s) to Sigler et al (U.S. Patent 5,717,830). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigler et al. (U.S. Patent No. 5,717,830/ or "Sigler" hereinafter).

Regarding claims 1-23, Sigler discloses an exact apparatus in a communication system to form a group of communication devices over a distributed network, wherein the communication device is wireless push-to-talk communication device (Figs 1 & 9, and col. 13/lines 38-43), wherein at least a first node and a second node for establishing the communication channel with a first communication device and a second communication device, for example, a dispatcher of a private network acts as a node for establishing the call connection to user/first communication device within its communication net (as illustrated in Fig. 9 with a plurality of nets, and col. 16/line 18 to col. 17/line 6); wherein the group communication system including a (group) controller to manage the group communication net and interfacing with push-to-talk communication device (col. 10/lines 10-24 & col. 17/line 25 to col. 18/line 8), and the controller further including databases within the NCC or Network Control Center for storing identification information of communication devices for setting up call connections between mobiles (col. 5/lines 43-52), including the method of handling or processing packet data with a transmitter and receiver to send and receive packet data (col. 35/lines 20-24 as user routes messages using Mobile Packet Data Service), further including a user activated mechanism for user to activate the transmitter or the push-to-talk communication device for transmitting the mentioned packet data (PTT button is used for activating the push-to-talk communication, col. 19/line 40 to col. 20/line 7) as well as the communication device is wireless (Fig. 1, and col. 16/line 61 to col. 17/line 7 for

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mobile users addressed), including a memory within the wireless device (for storing ID into a memory, in col. 21/lines 8-15); the communication system further includes a priority service (col. 20/lines 8-15) such that the priority is dynamically configurable in a manner that an interruption can occur for users with more priority requests (col. 9/lines 45-64) and a secure mode (col. 26/line 54 to col. 28/line 55 for encryption and techniques for ensuring anti-fraud acts and securing technique with encryption algorithm) together with call management, history logs or billing records and monitoring procedures (col. 5/lines 28-col. 6/line 41); the communication device further including identification information and updated information can be done or changed with new information (col. 20/lines 23-34 7 Fig. 9 for mobile users in different nets) as well as the including of the dormant mode, wherein the group communication net is capable of offering, and with the user's activation prompting the controller to activate the group communication net (col. 30/line 54 to col. 32/line 25 for standby modes).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Sweet et al (US Patent 6,112,083) & Mauncy et al. (US Patent 6,484,027 B1) disclose push-to-talk communication device in mobile communication system.

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6. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

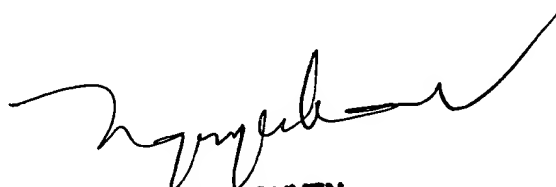
or faxed to:
(703) 872-9306, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



TONY T. NGUYEN
PATENT EXAMINER

Tony T. Nguyen, FSA
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February 20, 2004